

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, APRIL 11, 2018

Produced daily by the State of Iowa during the sessions of the General Assembly.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 11, 2018

The House met pursuant to adjournment at 8:33 a.m., Jones of Clay in the chair.

Prayer was offered by Pastor Brad Wallace, Faith Pentecostal Church, Spencer. He was the guest of Jones of Clay.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Josephine Bond from Grimes. She was the guest of Baudler of Adair.

The Journal of Tuesday, April 10, 2018, was approved.

ADOPTION OF [HOUSE RESOLUTION 111](#)

Hagenow of Polk called up for consideration [House Resolution 111](#), a resolution congratulating University of Iowa wrestler Spencer Lee on winning his first National Collegiate Athletic Association wrestling championship title at 125 pounds.

Jacoby of Johnson moved the adoption of [House Resolution 111](#).

The motion prevailed and the resolution was adopted.

The House stood at ease at 8:40 a.m., until the fall of the gavel.

The House resumed session at 10:10 a.m., Heartsill of Marion in the chair.

SENATE AMENDMENT CONSIDERED

House Concurred

Bloomingdale of Worth called up for consideration [House File 2258](#), a bill for an act relating to the uses of remitted sales tax revenue and moneys from the flood mitigation fund under the flood mitigation

program and including applicability provisions, amended by the Senate, and moved that the House concur in the Senate amendment [H-8351](#).

The motion prevailed and the House concurred in the Senate amendment [H-8351](#).

Bloomington of Worth moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2258](#))

The ayes were, 96:

Abdul-Samad	Anderson	Bacon	Baltimore
Baudler	Baxter	Bearinger	Bennett
Bergan	Best	Bloomington	Bossman
Breckenridge	Brown-Powers	Carlson	Cohoon
Cownie	Deyoe	Dolecheck	Finkenauer
Fisher	Forbes	Fry	Gaines
Gaskill	Gassman	Grassley	Gustafson
Hagenow	Hager	Hall	Hanusa
Heaton	Heddens	Hein	Highfill
Hinson	Holt	Holz	Hunter
Huseman	Isenhardt	Jacobsen	Jacoby
Jones	Kacena	Kaufmann	Kearns
Kerr	Klein	Koester	Kressig
Kurth	Landon	Lensing	Lundgren
Mascher	Maxwell	McConkey	McKean
Meyer	Miller, H.	Miller, P.	Mohr
Mommsen	Moore	Nielsen	Nunn
Oldson	Olson	Ourth	Paustian
Prichard	Rizer	Rogers	Running-Marquardt
Salmon	Sexton	Sheets	Smith, M.
Smith, R.	Staed	Steckman	Taylor, T.
Thede	Upmeyer, Spkr.	Vander Linden	Watts
Wessel-Kroeschell	Wheeler	Wills	Windschitl
Wolfe	Worthan	Zumbach	Heartsill, Presiding

The nays were, none.

Absent or not voting, 4:

Pettengill	Sieck	Taylor, R.	Winckler
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS
Unfinished Business Calendar

[House File 619](#), a bill for an act authorizing the department of natural resources to establish certain fees at state parks and recreation areas, was taken up for consideration.

Maxwell of Poweshiek asked and received unanimous consent to withdraw amendment [H-8199](#) filed by him on March 7, 2018.

Maxwell of Poweshiek offered amendment [H-8335](#) filed by him and moved its adoption.

Amendment [H-8335](#) was adopted, placing out of order amendment [H-1405](#) filed by Bacon of Story on April 19, 2017 and amendment [H-8006](#) filed by Maxwell of Poweshiek on February 7, 2018.

[SENATE FILE 2389](#) SUBSTITUTED FOR [HOUSE FILE 619](#)

Maxwell of Poweshiek asked and received unanimous consent to substitute [Senate File 2389](#) for [House File 619](#).

[Senate File 2389](#), a bill for an act authorizing the department of natural resources to establish certain fees at state parks and recreation areas, was taken up for consideration.

SPECIAL PRESENTATION

Bearinger of Fayette introduced to the House, former legislator Gene Ficken.

The House rose and expressed its welcome.

Maxwell of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2389](#))

The ayes were, 89:

Abdul-Samad	Anderson	Bacon	Baltimore
Baudler	Baxter	Bearinger	Bennett
Bergan	Best	Bloomington	Bossman
Breckenridge	Brown-Powers	Carlson	Cohoon
Cownie	Deyoe	Dolecheck	Finkenauer
Fisher	Forbes	Fry	Gaines
Gaskill	Gassman	Grassley	Gustafson
Hagenow	Hager	Hall	Hanusa
Heaton	Heddens	Hein	Hinson
Holt	Holz	Huseman	Isenhart
Jacobsen	Jones	Kacena	Kaufmann
Kearns	Kerr	Koester	Kressig
Kurth	Landon	Lensing	Lundgren
Mascher	Maxwell	McConkey	McKean
Miller, H.	Miller, P.	Mohr	Mommsen
Moore	Nielsen	Nunn	Oldson
Olson	Ourth	Paustian	Prichard
Rizer	Rogers	Salmon	Sexton
Sheets	Smith, R.	Staed	Steckman
Taylor, R.	Taylor, T.	Thede	Upmeyer, Spkr.
Vander Linden	Watts	Wessel-Kroeschell	Wills
Windschitl	Wolfe	Worthan	Zumbach
Heartsill, Presiding			

The nays were, 8:

Highfill	Hunter	Jacoby	Klein
Meyer	Running-Marquardt	Smith, M.	Wheeler

Absent or not voting, 3:

Pettengill	Sieck	Winckler
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF [HOUSE RESOLUTION 113](#)

Hagenow of Polk called up for consideration [House Resolution 113](#), a resolution recognizing Graceland University and congratulating its men's basketball team for its outstanding 2017-2018 season, which it finished dramatically by winning the 2018 National Association of Intercollegiate Athletics 81st Annual Division I Men's Basketball Championship.

Fry of Clarke moved the adoption of [House Resolution 113](#).

The motion prevailed and the resolution was adopted.

[Senate Joint Resolution 2006](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the gubernatorial line of succession, was taken up for consideration.

[Senate Joint Resolution 2006](#)

A Joint Resolution proposing an amendment to the Constitution of the State of Iowa relating to the gubernatorial line of succession.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Section 4 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1952 and by amendment number 1 of the Amendments of 1988, is repealed and the following adopted in lieu thereof:

Election by general assembly in case of tie — inability of governor-elect to qualify — succession by lieutenant governor — inauguration of governor and lieutenant governor upon removal of inability of governor-elect to qualify. SEC. 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor.

If after the final canvass of votes but before inauguration the governor-elect has since died, does not qualify, or is permanently unable to assume office, the lieutenant governor-elect shall become governor upon inauguration, to the exclusion of any other office, for the residue of the term. In the event of a temporary inability of the governor-elect to assume office, the lieutenant governor-elect shall become governor upon inauguration, until the inability is removed, at which time, the governor-elect and lieutenant governor-elect shall be inaugurated as governor and lieutenant governor.

Section 10 of Article IV of the Constitution of the State of Iowa is amended to read as follows:

Vacancies. SEC. 10. When any office shall, from any cause, become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the general assembly, or at the next election by the people. The governor shall have the power to fill a vacancy in the office of lieutenant governor by appointment.

Section 17 of Article IV of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

Lieutenant governor to assume the office of governor — vacancy. SEC. 17. If the governor dies, resigns, is removed or impeached prior to acquittal or conviction, or is otherwise unable to serve, the lieutenant governor shall become governor, to the exclusion of any other office. If the preceding governor becomes able to serve, the succeeding governor shall again assume the office of lieutenant governor for the residue of the term, to the exclusion of any other office.

Section 19 of Article IV of the Constitution of the State of Iowa as amended by

amendment number 2 of the Amendments of 1952 and by amendment number 2 of the Amendments of 1988, is repealed and the following adopted in lieu thereof:

Succession to office of governor and lieutenant governor — simultaneous inability to serve — qualification of successor governor to office. SEC. 19. If the governor and lieutenant governor are simultaneously unable to serve, the president of the senate shall become governor, followed by the speaker of the house if the president of the senate is unable or unwilling to serve, each succeeding, to the exclusion of the powers and duties of any other office. If the governor or lieutenant governor so succeeded becomes able to serve, the governor or lieutenant governor shall assume the office to which the governor or lieutenant governor qualified prior to the inability, and any successor governor who has served during the period of inability may assume the office to which the successor governor previously qualified, if the successor governor served as governor for less than one hundred ten days.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the general assembly to be chosen at the next general election for members of the general assembly, and the secretary of state is directed to cause the proposed amendment to be published for three consecutive months previous to the date of that election as provided by law.

Baltimore of Boone offered amendment [H-8376](#) filed by him.

Steckman of Cerro Gordo offered amendment [H-8378](#), to amendment [H-8376](#), filed by her from the floor.

Nunn of Polk rose on a point of order under Rule 10, decorum in debate.

The Speaker ruled the point well taken.

Jacoby of Johnson rose on a point of order under Rule 10, decorum in debate.

The Speaker ruled the point not well taken.

Steckman of Cerro Gordo moved the adoption of amendment [H-8378](#), to amendment [H-8376](#).

Roll call was requested by Steckman of Cerro Gordo and M. Smith of Marshall.

On the question "Shall amendment [H-8378](#), to amendment [H-8376](#), be adopted?" ([S.J.R. 2006](#))

The ayes were, 40:

Abdul-Samad	Anderson	Bearinger	Bennett
Breckenridge	Brown-Powers	Cohoon	Finkenauer
Forbes	Gaines	Gaskill	Hall
Heddens	Hunter	Isenhardt	Jacoby
Kacena	Kearns	Kressig	Kurth
Lensing	Mascher	McConkey	Meyer
Miller, H.	Miller, P.	Nielsen	Oldson
Olson	Ourth	Prichard	Running-Marquardt
Smith, M.	Smith, R.	Staed	Steckman
Taylor, T.	Thede	Wessel-Kroeschell	Wolfe

The nays were, 57:

Bacon	Baltimore	Baudler	Baxter
Bergan	Best	Bloomingtondale	Bossman
Carlson	Cownie	Deyoe	Dolecheck
Fisher	Fry	Gassman	Grassley
Gustafson	Hagenow	Hager	Hanusa
Heaton	Hein	Highfill	Hinson
Holt	Holz	Huseman	Jacobsen
Jones	Kaufmann	Kerr	Klein
Koester	Landon	Lundgren	Maxwell
McKean	Mohr	Mommsen	Moore
Nunn	Paustian	Rizer	Rogers
Salmon	Sexton	Sheets	Taylor, R.
Upmeyer, Spkr.	Vander Linden	Watts	Wheeler
Wills	Windschitl	Worthan	Zumbach
Heartsill, Presiding			

Absent or not voting, 3:

Pettengill	Sieck	Winckler
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Amendment [H-8378](#), to amendment [H-8376](#), lost.

Baltimore of Boone moved the adoption of amendment [H-8376](#).

Amendment [H-8376](#) was adopted, placing out of order amendment [H-8312](#) filed by Steckman of Cerro Gordo on March 23, 2018.

Baltimore of Boone moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question “Shall the joint resolution be adopted and agreed to?” ([S.J.R. 2006](#))

The yeas were, 57:

Bacon	Baltimore	Baudler	Baxter
Bergan	Best	Bloomington	Bossman
Carlson	Cownie	Deyoe	Dolecheck
Fisher	Fry	Gassman	Grassley
Gustafson	Hagenow	Hager	Hanusa
Heaton	Hein	Highfill	Hinson
Holt	Holz	Huseman	Jacobsen
Jones	Kaufmann	Kerr	Klein
Koester	Landon	Lundgren	Maxwell
McKean	Mohr	Mommsen	Moore
Nunn	Paustian	Rizer	Rogers
Salmon	Sexton	Sheets	Taylor, R.
Upmeyer, Spkr.	Vander Linden	Watts	Wheeler
Wills	Windschitl	Worthan	Zumbach
Heartsill, Presiding			

The nays were, 40:

Abdul-Samad	Anderson	Bearinger	Bennett
Breckenridge	Brown-Powers	Cohoon	Finkenauer
Forbes	Gaines	Gaskill	Hall
Heddens	Hunter	Isenhardt	Jacoby
Kacena	Kearns	Kressig	Kurth
Lensing	Mascher	McConkey	Meyer
Miller, H.	Miller, P.	Nielsen	Oldson
Olson	Ourth	Prichard	Running-Marquardt
Smith, M.	Smith, R.	Staed	Steckman
Taylor, T.	Thede	Wessel-Kroeschell	Wolfe

Absent or not voting, 3:

Pettengill	Sieck	Winckler
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The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGES

Hagenow of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2258](#), [Senate Joint Resolution 2006](#) and [Senate File 2389](#).

HOUSE FILES WITHDRAWN

Hagenow of Polk asked and received unanimous consent to withdraw House Files 510 and 619 from further consideration by the House.

LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Pettengill of Benton
Taylor, R. of Dallas

Sieck of Mills
Winckler of Scott

On motion by Hagenow of Polk, the House was recessed at 11:47 a.m., until the conclusion of the committee on Ways and Means and the committee on Appropriations.

AFTERNOON SESSION

The House reconvened at 3:05 p.m., Speaker Upmeyer in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker: I am directed to inform your honorable body that the Senate has on April 11, 2018, passed the following bill in which the concurrence of the Senate was asked:

[House File 2371](#), a bill for an act exempting the state and municipalities from liability for claims involving honeybees on public property.

Also: That the Senate has on April 11, 2018, passed the following bill in which the concurrence of the Senate was asked:

[House File 2480](#), a bill for an act concerning manufactured homes by creating a manufactured housing program fund and providing eligibility under the home ownership assistance program for military members for the purchase of manufactured homes.

Also: That the Senate has on April 11, 2018, passed the following bill in which the concurrence of the House is asked:

[Senate File 2399](#), a bill for an act exempting from the Iowa individual income tax the amount of income resulting from prize money and medals received from competition in the olympic or paralympic games, and including retroactive applicability provisions.

W. CHARLES SMITHSON, Secretary

INTRODUCTION OF BILL

[House File 2486](#), by committee on Ways and Means, a bill for an act exempting from the sales tax the sale of instructional materials required for use in a course of instruction at a postsecondary institution in this state.

Read first time and placed on the **Ways and Means calendar**.

SENATE MESSAGE CONSIDERED

[Senate File 2399](#), by committee on Ways and Means, a bill for an act exempting from the Iowa individual income tax the amount of income resulting from prize money and medals received from competition in the olympic or paralympic games, and including retroactive applicability provisions.

Read first time and referred to committee on **Ways and Means**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 11, 2018, the following bills were approved and transmitted to the Secretary of State:

[House File 2338](#), an Act relating to temporary restricted licenses for operating-while-intoxicated offenders, providing penalties, and including applicability provisions.

[House File 2414](#), an Act relating to the provision of medical support in child support actions, and including effective date provisions.

[House File 2441](#), an Act relating to school district funding and the authorized purposes for the expenditure of school district funding, and including effective date and applicability provisions.

[House File 2444](#), an Act relating to child care facilities, including child abuse reporting and the prohibition of certain persons from involvement with child care.

[Senate File 192](#), an Act relating to licenses to practice applied behavior analysis and including effective date and implementation provisions.

[Senate File 2165](#), an Act concerning payments under the crime victim compensation program.

[Senate File 2175](#), an Act relating to partition of property in kind and partition of property by sale.

[Senate File 2364](#), an Act requiring school districts and accredited nonpublic schools to develop high-quality emergency operations plans for school buildings.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 688](#) Government Oversight

Concerning the issuance of temporary permits to practice cosmetology arts and sciences under certain circumstances.

[H.S.B. 689](#) Government Oversight

Requiring the civil rights commission to hold educational seminars related to state and federal building accessibility requirements.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 2391](#)

Ways and Means: Holt, Chair; Bergan and Wolfe.

[Senate File 2400](#)

Ways and Means: Bloomingdale, Chair; Bennett and Mohr.

[Senate File 2401](#)

Ways and Means: Mohr, Chair; McConkey and Windschitl.

COMMITTEE RECOMMENDATIONS

MADAM SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk:

CARMINE BOAL
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly [House Study Bill 687](#)), relating to the assessment of an agricultural property offense surcharge on criminal offenses involving crops, livestock, or honey bees, and making an appropriation.

Fiscal Note: **No**

Recommendation: **Do Pass** April 11, 2018.

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly [House Study Bill 688](#)), concerning the issuance of temporary permits to practice cosmetology arts and sciences under certain circumstances.

Fiscal Note: **No**

Recommendation: **Amend and Do Pass** April 11, 2018.

COMMITTEE ON WAYS AND MEANS

[Senate File 2388](#), a bill for an act relating to the assessment and taxation of telephone and telegraph company property for certain assessment years and including effective date and applicability provisions.

Fiscal Note: **Yes**

Recommendation: **Amend and Do Pass with amendment** [H-8377](#) April 10, 2018.

Committee Bill (Formerly [House File 495](#)), extending the beginning farmer tax credit program and appropriations used to support the program, including the agricultural assets transfer tax credit and the custom farming contract tax credit.

Fiscal Note: **Yes**

Recommendation: **Amend and Do Pass** April 11, 2018.

AMENDMENTS FILED

H-8377	S.F. 2388	Committee on Ways and Means
H-8378	S.J.R. 2006	Steckman of Cerro Gordo
H-8379	S.F. 2311	Carlson of Muscatine

On motion by Hagenow of Polk, the House adjourned at 3:06 p.m., until 8:30 a.m., Thursday, April 12, 2018.